

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, APRIL 10, 2013

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MI 48042

PRESENT: JANET DUNN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
KAREN GOODHUE, TREASURER
DINO F. BUCCI, JR, TRUSTEE
CLIFFORD W. FREITAS, TRUSTEE
ROGER KRZEMINSKI, TRUSTEE
NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel
Jerome Schmeiser, Planning Consultant
James VanTiflin, Township Engineer Director
(Additional attendance on file at the Clerk's Office)

Supervisor DUNN called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited and lead by Eagle Scout Thomas Belloli.

ROLL CALL

1. Clerk KOEHS called the roll and the Board of Trustees was present.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and items 7, 8 and 16 had been tabled to April 24, 2013, and Item 17 was amended and items 5-D-2 and 8-A was added.

MOTION by BUCCI seconded by GOODHUE to approve the agenda as amended.

MOTION carried.

APPROVAL OF THE BILLS

3. Both bill runs were reviewed and there were no corrections, 1 addition and 1 deletion.

Clerk Koehs requested a bill be added to the Bill Run for the annual routine maintenance for the Election Equipment in the amount of Five Thousand Forty-Two Dollars and Fifty Seven Cents (\$5,042.57).

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Trustee Bucci requested Item No. 37-27 be deleted until the Payment Invoices for the Macomb Town Center from August 2012 to the present until they have been reviewed to determine which portion of the Invoices are the Townships responsibility and which are the Developers responsibility.

MOTION by KRZEMINSKI seconded by FREITAS to approve both bill runs with one addition, the payment for the annual routine maintenance of Election Equipment and with the deletion of Item No. 37-27.

MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on March 27, 2013 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by BUCCI seconded by NEVERS to approve the minutes of the meeting of March 27, 2013.

MOTION carried.

5. Consent Agenda Items:

- A. Water and Sewer Department:
 1. Easement Encroachment: The Rivers Subdivision No. 2 Lot 264 Sidwell # 08-06-403-031.
 2. Easement Encroachment: Gateway Village Estates Subdivision Lot 57 Sidwell # 08-07-353-021.
 3. Request Approval for a Temporary Cement Batch Plant Lake Arrowhead Phase II (Mid April – June 1st, 2013)
- B. Parks and Recreation Department:
 1. Authorization to Run 2013 R.E.A.C.H. Programs.
 2. Authorization to Mail 2013 R.E.A.C.H. Catalog.
- C. Human Resources Department:
 1. Request for Military Leave of Absence
 2. Request for FMLA Leave of Absence – Human Resource Department.

Supervisor DUNN reviewed this matter and asked if any of the Board members wanted to remove any item from the Consent Agenda and place it for discussion on the regular agenda.

MOTION by KRZEMINSKI seconded by FREITAS to approve the Consent Agenda as earlier presented.

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MOTION carried.

6. **Public Comments, Agenda Items Only**

None

OLD BUSINESS

7. Proposed Amendment to Consent Judgment; Legacy Estates, located on the south east corner of Twenty Two Mile Road and North Avenue, Section 25.

Greg Windingland was present for the Petitioner.

Attorney Dloski Informed the Township Board that Legacy Estates is under new ownership. It was also noted after reviewing the proposed Amended Consent Judgment that numerous items have been omitted and/or have been changed, as in elevation eliminations, changes in density and other deleted provisions.

Clerk Koebs mentioned the sites main streets and utilities have been constructed, noting the issues as presented Clerk Koebs asked Mr. Windingland for clarity on the issues and the explanation of the meaning of proposed rental noted on the plans in the northeast quadrant of the site.

Mr. Windingland stated they assumed the comprehensive submittal to the Township for review would have been generally accepted pending the Boards approval. Mr. Windingland also addressed several of the issues as mentioned by the Township Attorney and explained the noted proposed rental term located on the northeast quadrant of the site plan.

MOTION by KRZEMNINSKI seconded by BUCCI to table the Amended Consent Judgment for Legacy Estates for further review to the meeting of April 24, 2016.

MOTION carried.

8. Request for Rezoning; AG to R-1; 16860 26 Mile Road; Section 05, Located on southwest corner of 26 Mile Road and Luchtman Road. Frank Karam & Susanne Dimercurio, Petitioner. Parcel No. 08-05-200-010.
(Tabled from March 27, 2013 meeting)

(Tabled to the meeting of April 24, 2013 at the petitioner's request.)

- 8-A. Request an Extension on the Moratorium for the Medical Marijuana Ordinance.

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Attorney Dloski spoke regarding the legality of the Medical Marijuana Ordinance and requested a continuation on the Medical Marijuana Moratorium until the Supreme Court makes a ruling in six to eight months.

MOTION by NEVERS seconded by GOODHUE to extend the moratorium on Medical Marijuana until such time as the Michigan Supreme Court hands down their ruling in the case of Trunbeek vs. City of Wyoming.

MOTION carried.

NEW BUSINESS

9. Liquor License Pre-Application Request; Bistro 21, 46856 Hayes Road, Permanent Parcel Number 08-31-100-008.

MOTION by KRZEMINSKI seconded by NEVERS to approve the Liquor License Pre-Application request and to initiate the Final Application process for the Bistro 21, at 46856 Hayes Road, Permanent Parcel Number 08-31-100-008.

MOTION carried.

10. Employee Discipline for MAFF Grievance 12-018 / MTFFFA Grievance 12-002.

MOTION by KOEHS seconded by NEVERS to deny Grievance MAFF 12-018/MTFFFA Grievance 12-002 due to failure to produce any argument for the Employee Discipline.

MOTION carried.

11. Request to Schedule a Public Hearing for an Industrial Facilities Tax Abatement for Century Plastics, 51258 Quadrate Drive.

MOTION by KRZEMINSKI seconded by KOEHS to Schedule a Public Hearing for an Industrial Facilities Tax Abatement for Century Plastics, 51258 Quadrate Drive on May 8, 2013.

MOTION carried.

12. Request to Reappoint Members to the Clinton Macomb Library Board.

MOTION by BUCCI seconded by FREITAS to Reappoint Members Camille Silda and Sharon Zielinski to the Clinton Macomb Library Board.

MOTION carried.

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PLANNING

13. **Request to Approve Preliminary Plan;** Stillwater Crossings Site Condominiums; 513 units; Located on the north side of 23 Mile Road, ¼ mile west of Fairchild Road; Section 13, Elro Corporation, Petitioner. Permanent Parcel No. 08-13-200-029.

(Mr. Jerome Schmeiser, Planning Consultant discussed Item #13 stating the first submittal of plans for this project was January 2, 2005. There are 513 Units and will be developed in seven phases. The Petitioner received several extensions of time, and has made no changes to the Preliminary Plan. Mr. Schmeiser has reviewed this matter and stated the Planning Commission's recommendation for approval).

MOTION by KRZEMINSKI seconded by KOEHS to Approve Preliminary Plan; Stillwater Crossings Site Condominiums; 513 units; Located on the north side of 23 Mile Road, ¼ mile west of Fairchild Road; Section 13, Elro Corporation, Petitioner. Permanent Parcel No. 08-13-200-029.

MOTION carried.

14. **Request Approval for Final Plan;** Stillwater Crossings Site Condominiums, 513 units; Located on the north side of 23 Mile Road ¼ mile west if Fairchild Road; Section 13; Elro Corporation, Petitioner. Permanent Parcel No. 08-13-200-029.

(Mr. Jerome Schmeiser, Planning Consultant discussed Item # 13 Preliminary Plan in sequence with item # 14 the Final Plan with the same recommendation of approval from the Planning Commission).

MOTION by KRZEMINSKI seconded by GOODHUE to Approve the Final Plan; Stillwater Crossings Site Condominiums, 513 units; Located on the north side of 23 Mile Road ¼ mile west if Fairchild Road; Section 13; Elro Corporation, Petitioner. Permanent Parcel No. 08-13-200-029

MOTION carried.

15. **Request to Approve Preliminary Plan** for Wellington Estates (145 units) Located on south side of 24 Mile Road approximately 1 ¼ mile east of Romeo Plank Road; Section 16. Elro Corporation, Petitioner. Permanent Parcel No. 08-16-100-021.

(Mr. Jerome Schmeiser, Planning Consultant discussed Item #15 stating the first submittal of plans for this project was in, 2005. There are 145 Units and will be developed in four phases. The Petitioner has made no changes to the plans. Mr. Schmeiser has reviewed this matter and stated the Planning Commission's recommendation for approval).

MOTION by BUCCI seconded by FREITAS to Approve the Preliminary Plan for Wellington Estates (145 units) Located on south side of 24 Mile Road

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approximately 1¼ mile east of Romeo Plank Road; Section 16. Elro Corporation, Petitioner. Permanent Parcel No. 08-16-100-021.

MOTION carried.

ENGINEERING DEPARTMENT

16. Request for an Engineering Standards Variance; Cambridge Dentistry, Located at the southwest corner of 25 Mile Road and Romeo Plank Road, Section 8.
(Tabled to the meeting of April 24, 2013.)

HUMAN RESOURCES DEPARTMENT

17. Request to Promote Employee #133.

Clerk Koehs stated Item 17 was changed from a Request to Promote an Employee to state a request to Post an opening in the Assessing Department.

MOTION by GOODHUE seconded by KOEHS to post the position for Appraiser in the Assessing Department

MOTION carried.

BROADCAST MEDIA DEPARTMENT

18. Request to Purchase New Avid Editing Software.

Jim Gillis the Broadcast Media Manager has requested to purchase phase two of the Avid Editing Software program, which includes training and technical support in the amount of \$8,751.00 (Eight Thousand Seven Hundred Fifty-One Dollars).

MOTION by FREITAS seconded by GOODHUE to approve the request to Purchase New Avid Editing Software in the amount of \$8,751.00 (Eight Thousand Seven Hundred Fifty-One Dollars).

MOTION carried.

Public Comments, Non-Agenda Items Only - (3 minute time limit)

None.

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BOARD COMMENTS

19. Supervisor Comments:

Supervisor Dunn informed the Board that the Macomb Township Fire Fighters Association Paid On Call Labor agreement expires on June 30, 2013 and Formal Negotiation correspondence has been forwarded to the Union. For the negotiation process Supervisor Dunn requested the Full Time Elected Officials along with the Human Resources Director, Chief Phillips and Labor Council be appointed to the Labor Negotiation Team.

MOTION by KRZEMINSKI seconded by NEVERS to appoint the Full Time Elected Officials, the Human Resources Director, the Fire Chief and Labor Counsel to the Labor Negotiation Team.

MOTION carried.

20. Clerk Comments:

None.

21. Treasurer Comments:

None.

22. Trustees Comments:

None.

MOTION by BUCCI seconded by GOODHUE to adjourn to Executive Session at 7:42 p.m.

Motion carried.

The Board returned to regular session at 7: 47 p.m.

EXECUTIVE SESSION

23. Proposed Michigan Tax Tribunal Appeal Settlement; Docket Number 415881; Grand River Infrastructure vs. Macomb Township; Permanent Parcel Number 08-19-100-010. (Tabled from March 27, 2013 meeting)

MOTION by KOEHS seconded by FREITAS to authorize legal counsel to sign the consent judgment as presented.

MOTION carried.

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ADJOURNMENT

MOTION by GOODHUE seconded by BUCCI to adjourn the Board of Trustees meeting at 7:50 p.m.

MOTION carried.

Respectfully submitted,

Janet I. Dunn
Macomb Township Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk